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State of Minnesota

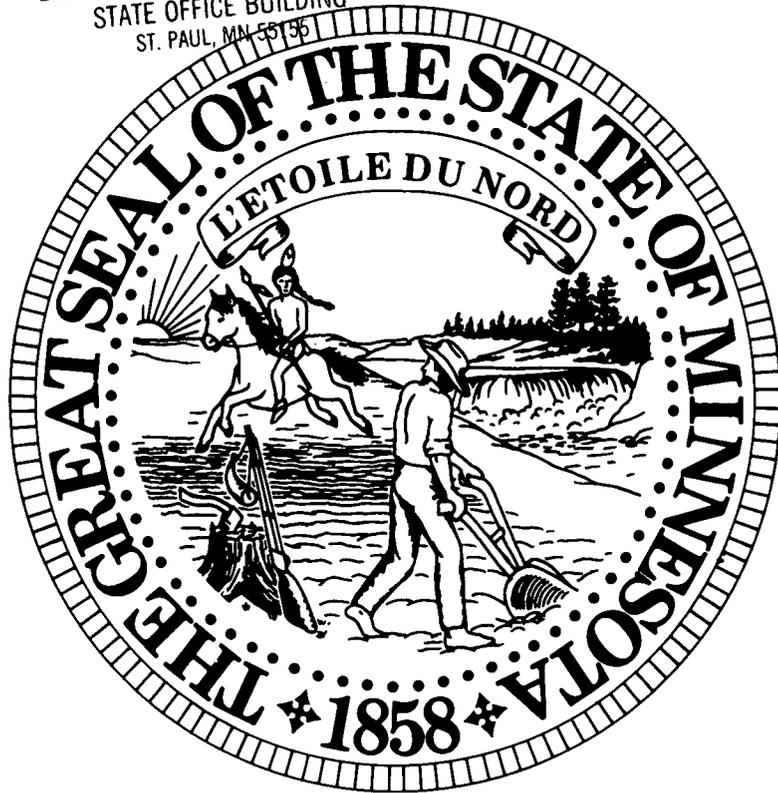
# STATE REGISTER

Department of Administration — Print Communications Division

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Rules edition  
Published every Monday

11 June 1990

Volume 14, Number 50

Pages 2871-2902

# STATE REGISTER

## Judicial Notice Shall Be Taken of Material Published in the State Register

The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official notices, state and non-state contracts, contract awards, grants, supreme court and tax court decisions, and a monthly calendar of cases to be heard by the state supreme court.

A *Contracts Supplement* is published every Thursday and contains additional state contracts and advertised bids, and the most complete source of state contract awards available in one source.

## Printing Schedule and Submission Deadlines

Vol. 14 Issue Number	*Submission deadline for Adopted and Proposed Rules, Commissioners' Orders**	*Submission deadline for Executive Orders, Contracts, and Official Notices**	Issue Date
50	Friday 25 May	Monday 4 June	Monday 11 June
51	Monday 4 June	Monday 11 June	Monday 18 June
52	Monday 11 June	Monday 18 June	Monday 25 June
53	Monday 18 June	Monday 25 June	Monday 2 July

\*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

\*\*Notices of public hearings on proposed rules and notices of intent to adopt rules without a public hearing are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the *State Register* editorial offices, 504 Rice Street, St. Paul, Minnesota 55103, (612) 296-4273.

The *STATE REGISTER* is published every Monday (Tuesday when Monday is a holiday) by the State of Minnesota, Department of Administration, Print Communications Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to *Minnesota Statutes* § 14.46. A *STATE REGISTER Contracts Supplement* is published every Thursday. The Monday edition is the vehicle for conveying all information about state agency rulemaking, including official notices; hearing notices; proposed, adopted and emergency rules. It also contains executive orders of the governor; commissioners' orders; state contracts and advertised bids; professional, technical and consulting contracts; non-state public contracts; state grants; decisions of the supreme and tax courts; a monthly calendar of scheduled cases before the supreme court; and other announcements. The Thursday edition contains additional state contracts and advertised bids, and the most complete listing of contract awards available in one source.

In accordance with expressed legislative intent that the *STATE REGISTER* be self-supporting, the following subscription rates have been established: the Monday edition costs \$130.00 per year and includes an index issue published in August (single issues are available at the address listed above for \$3.50 per copy); the combined Monday and Thursday editions cost \$195.00 (subscriptions are not available for just the *Contracts Supplement*); trial subscriptions are available for \$60.00, include both the Monday and Thursday edition, last for 13 weeks, and may be converted to a full subscription anytime by making up the price difference. No refunds will be made in the event of subscription cancellation.

Both editions are delivered postpaid to points in the United States, second class postage paid for the Monday edition at St. Paul, MN, first class for the Thursday edition. Publication Number 326630 (ISSN 0146-7751).

Subscribers who do not receive a copy of an issue should notify the *STATE REGISTER* circulation manager immediately at (612) 296-0931. Copies of back issues may not be available more than two weeks after publication.

**Rudy Perpich, Governor**  
**Sandra J. Hale, Commissioner**  
**Department of Administration**

**Stephen A. Ordahl, Director**  
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## FOR LEGISLATIVE NEWS

Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

### SENATE

**Briefly-Preview**—Senate news and committee calendar; published weekly during legislative sessions.

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Contact: Senate Public Information Office  
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(612) 296-0504

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Contact: House Information Office  
Room 175 State Office Building, St. Paul, MN 55155  
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## NOTICE: How to Follow State Agency Rulemaking in the State Register

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 75 state agencies have the authority to issue rules. Each agency is assigned specific *Minnesota Rule* chapter numbers. Every odd-numbered year the *Minnesota Rules* are published. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

If an agency seeks outside opinion before issuing new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION in the *Official Notices* section of the *State Register*. When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-9747.

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## Proposed Rules

Pursuant to Minn. Stat. §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

## Department of Corrections

### Proposed Permanent Rules Relating to Municipal Jail Facilities

#### Notice of Intent to Adopt a Rule Without a Public Hearing

**NOTICE IS HEREBY GIVEN** that the State of Minnesota intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, section 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes* 241.021, Subd. 1.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes* section 14.131 to 14.20.

Comments or written requests for public hearing must be submitted to:

Kenneth E. Merz, Director Standards Development  
Inspection and Enforcement Unit  
300 Bigelow Building  
450 North Syndicate Street  
St. Paul, MN 55104  
612/642-0333

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a subsequent change in the proposed rule as noticed.

A copy of the proposed rule is attached to this notice.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Kenneth E. Merz upon request.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Kenneth E. Merz.

Orville B. Pung  
Commissioner

**Rules as Proposed (all new material)****CHAPTER 2945  
DEPARTMENT OF CORRECTIONS  
MUNICIPAL JAIL FACILITIES****2945.0100 DEFINITIONS.**

Subpart 1. **Scope.** For the purpose of this chapter, the following terms have the meanings given them.

Subp. 2. **Administrative segregation.** "Administrative segregation" means the physical separation of prisoners prone to escape, prone to assault staff or other prisoners, likely to need protection from other prisoners or themselves, or determined to be mentally deficient and in need of special care.

Subp. 3. **Approved capacity.** "Approved capacity" means the maximum number of prisoners that any cell, room, unit, building, facility, or combination of them is approved for in compliance with the standards.

Subp. 4. **Average daily population.** "Average daily population" means the average number of prisoners residing daily during the last calendar year. Prisoners on furlough or hospitalized are excluded.

Subp. 5. **Class I municipal holding facility.** "Class I municipal holding facility" means an adult detention facility operated by a municipal government used to confine prisoners for more than 48 hours.

Subp. 6. **Class II municipal holding facility.** "Class II municipal holding facility" means an adult detention facility operated by a municipal government used to confine prisoners for up to 48 hours excluding weekends and holidays.

Subp. 7. **Class III municipal holding facility.** "Class III municipal holding facility" means an adult detention facility operated by a municipal government used to confine prisoners for up to 16 hours.

Subp. 8. **Class IV municipal holding facility.** "Class IV municipal holding facility" means an adult detention facility operated by a municipal government used to confine prisoners for up to four hours.

Subp. 9. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Corrections.

Subp. 10. **Controlled substance.** "Controlled substance" means a drug, substance, or immediate precursor in Schedules I to V of Minnesota Statutes, section 152.02. The term does not include distilled spirits, wine, malt beverages, intoxicating liquor, or tobacco.

Subp. 11. **Court holding facilities.** "Court holding facilities" means those areas where persons are held in conjunction with a court appearance. Court holding facilities may be secure but are nonresidential in design and persons are not normally held beyond four hours.

Subp. 12. **Custody personnel.** "Custody personnel" means those staff members or employees who are responsible for the custody and supervision of prisoners.

Subp. 13. **Department of Corrections; department.** "Department of Corrections" or "department" means the Minnesota Department of Corrections.

Subp. 14. **Emergency.** "Emergency" means a significant incident or disruption of normal facility procedures, policies, routines, or activities arising from fire, riot, natural disaster, suicide, assault, or medical emergency.

Subp. 15. **Existing facility.** "Existing facility" means a facility used for detention and confinement of prisoners before the effective date of this chapter.

Subp. 16. **Facility administrator.** "Facility administrator" means the individual who has been delegated the responsibility and authority for the administration and operation of a local facility.

Subp. 17. **Holding cell.** "Holding cell" means a cell or room in a holding facility used to hold one or more persons temporarily while awaiting release, booking, court appearance, transportation, or interrogation.

Subp. 18. **Inspection.** "Inspection" means an on-site assessment or existing conditions made to determine the facility's compliance with this chapter.

Subp. 19. **Jail.** "Jail" means a secure adult detention facility used to confine sentenced prisoners for a time not to exceed one full

**KEY: PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

## Proposed Rules

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year per conviction, adult pretrial and presentenced detainees indefinitely, and juveniles up to limits prescribed by Minnesota statute and commissioner approval.

Subp. 20. **Legend drug.** "Legend drug" means a drug required by federal law to bear the following statement: "Caution: Federal law prohibits dispensing without prescription."

Subp. 21. **Local facility.** "Local facility" means any city, county, city and county, or multiple county corrections facility.

Subp. 22. **Mandatory.** "Mandatory" means the rule must be met by the facility in order for the facility to be licensed.

Subp. 23. **Maximum security areas.** "Maximum security areas" means areas that provide the greatest degree of physical security for the control and separation of prisoners.

Subp. 24. **Medicine.** "Medicine" means a remedial agent that has the property of curing, preventing, treating, or mitigating diseases, or that is used for that purpose. For the purpose of this chapter, medicine includes legend and nonlegend drugs.

Subp. 25. **Minimum security areas.** "Minimum security areas" means areas that provide functional living accommodations with a nominal reliance on physical security for the control and management of prisoners.

Subp. 26. **Municipal police facilities.** "Municipal police facilities" means police facilities including an administrative processing area used to temporarily detain persons for up to six hours. Municipal police facilities are specifically designed to be nonresidential in nature, have either audio or visual capability, would normally not be locked except for routine security reasons, and would be used only long enough for identification, investigation, transfer arrangements, or release to a responsible person.

Subp. 27. **Nonresidential.** "Nonresidential" means that the holding area or room is not designed to be lived in. Nonresidential space would not typically include a bed, toilet, and wash basin.

Subp. 28. **Policy.** "Policy" means a statement declaring mission, purpose, and ideological position.

Subp. 29. **Prisoner.** "Prisoner" means an individual, adult or juvenile, detained or confined in a local facility.

Subp. 30. **Procedure.** "Procedure" means a written statement establishing the action plan to implement policy.

Subp. 31. **Rule.** "Rule" means that which is defined by Minnesota Statutes, section 14.02, subdivision 4.

Subp. 32. **Substantially conform.** "Substantially conform" means a compliance rating of 100 percent on items labeled mandatory and a rating of 70 percent compliance on all other items in this chapter.

Subp. 33. **Undue hardship.** "Undue hardship" means the financial costs are not warranted when weighed against the benefits derived.

Subp. 34. **Variance.** "Variance" means the waiver of a specific rule for a specified period of time.

### 2945.0110 INTRODUCTION.

*Minnesota Statutes*, section 642.09, provides that the sheriff of a county in which a municipality maintains a lockup shall inspect the lockup once a year, with reference to its security and administration, and make a written report to the commissioner on blanks furnished by the commissioner and deliver a copy of the report to the governing body of the municipality maintaining the lockup.

*Minnesota Statutes*, section 241.021, subdivision 1, provides that the commissioner adopt rules establishing minimum standards for all correctional facilities throughout the state, whether public or private, established and operated for the detention and confinement of persons detained or confined in them according to law except to the extent that they are inspected or licensed by other state regulating agencies. The rules that follow are minimum standards for municipal lockup facilities. Facilities that house males and females must provide comparable care for each group. Facilities housing juveniles must meet the special criteria established for that group. All inspections made by the sheriff must be according to the standards in this chapter and must compare the care level for male and female groups.

### 2945.0120 INTENDED USE NONCONFORMANCE; LIMITATIONS OF RULES.

Subpart 1. **Intended use.** A facility must be used only for classifications for which it is intended. These rules do not regulate municipal police facilities or court holding rooms.

A. Class I municipal holding facilities must meet the standards of chapter 2910.

B. Class II municipal holding facilities must meet all standards in chapter 2945.

C. Class III municipal holding facilities must meet all standards except those waived as Class III municipal holding facilities.

D. Class IV municipal holding facilities must meet all standards except those waived as Class IV municipal holding facilities.

Subp. 2. **Nonconformance, unsafe, unsanitary, or illegal conditions.** When conditions do not substantially conform to this chapter or where specific conditions endanger the health, welfare, or safety of prisoners or staff, the commissioner shall condemn the holding facility by written order and it shall not be further used while the order is in force according to Minnesota Statutes, section 642.10.

**2945.0130 VARIANCES.**

Subpart 1. **Variances; general.** The granting of a variance under this part does not constitute a precedent for any other adult detention facility. The granting and denial of all variances shall be in writing and made within 30 days of the request for a variance. The variance will be granted by the commissioner if, in the licensing procedure or enforcement of the standards in this chapter:

A. requirements for an adult detention facility to strictly comply with one or more of the provisions will result in undue hardship or jeopardize the health, safety, security, detention, or well-being of the residents or facility staff;

B. the adult detention facility is otherwise in substantial conformity with the standards contained in this chapter or making satisfactory progress toward substantial conformity;

C. granting of the variance will not preclude the facility from making satisfactory progress toward substantial conformity with this chapter;

D. the granting of the variance will not leave the interests and well-being of the residents unprotected; and

E. the facility will take action to comply with the general purpose of the standards to the fullest extent possible.

Subp. 2. **Emergencies.** The facility administration may declare a state of emergency suspending those rules affected by the emergency if to not suspend the rules would adversely affect the health, security, safety, or well-being of the persons confined or the facility staff.

The facility administrator shall immediately notify the sheriff of the county and the Department of Corrections of an emergency that results in the suspension of a rule. A formal written report must follow within 72 hours.

No suspension of rules because of an emergency declared by a facility administrator may exceed seven days unless the administrator obtains the approval of the commissioner for a variance to the rules and the variance is necessary for the protection of the health, security, safety, or well-being of the staff or the persons detained or confined in the institution where the emergency exists.

**PERSONNEL STANDARDS****2945.0500 MEDICAL EXAMINATIONS.**

Employees who work in a facility must have a medical examination on record.

**2945.0510 STAFF RECRUITMENT.**

The selection, appointment, and promotion of facility personnel must be based on assessed ability. There must not be discrimination on the grounds of race, color, religion, sex, or national origin (mandatory). Custody personnel must be a minimum of 18 years old. Recruitment standards must set forth the basic requirements of ability, preparatory experience, physical condition, and character, as well as those qualities that may disqualify.

**2945.0520 EXTRA DUTY.**

No employee may be scheduled for duty for two consecutive work periods except where unusual circumstances require reasonable and prudent exception.

**2945.0530 STAFFING REQUIREMENTS.**

Subpart 1. **Staffing plan.** The facility administrator shall prepare and retain a staffing plan indicating the personnel assigned to the facility and their duties. For the purposes of this rule, a work day is considered an eight-hour shift.

Subp. 2. **Staff person in charge (mandatory).** There must be a designated staff person in charge of the facility. In the absence of the regular facility supervisor, a staff person must be designated in charge.

Subp. 3. **Condition of staff person on duty (mandatory).** No person may be detained without a staff person on duty, present in the facility, awake and alert at all times, and capable of responding to the reasonable needs of the prisoner.

Subp. 4. **Opposite sex policy (mandatory).** There must be a policy consistent with state statute that provides procedures to be followed by staff supervising prisoners of the opposite sex.

Subp. 5. **Assistance for dispatcher/custody staff person (mandatory).** In facilities that use the dispatcher/custody position as sole supervision, the dispatcher/custody staff person must be assisted on duty by another custody staff person when the jail population exceeds 15. This requirement applies only during shifts when prisoners are not in lockup status.

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Subp. 6. **Reporting incidents and responding to emergencies. (mandatory).** A combination of staff and physical plant resources shall provide the capability of reporting incidents and responding to emergencies.

Subp. 7. **Ancillary functions.** Personnel must be provided to perform ancillary functions such as transportation or court escort to the extent necessary to ensure security and supervision of prisoners.

### **STAFF TRAINING**

#### **2945.1000 STAFF TRAINING PLAN.**

Each facility administrator shall develop and implement a training plan for the orientation of new employees and volunteers and provide for continuing in-service training programs for all employees and volunteers. The training plans must be documented and describe curriculum, methods of instruction, and objectives. In-service training plans must be prepared annually, and orientation training plans shall be reviewed and revised to changing conditions.

A training program must be established in cooperation with a responsible health authority and with the facility administrator to provide instruction in the following areas:

- A. the ability to respond to health-related situations within four minutes;
- B. recognition of signs and symptoms, and knowledge of action required in potential emergency situations;
- C. administration of first aid and cardiopulmonary resuscitation (CPR);
- D. methods of obtaining assistance;
- E. recognition of signs and symptoms of mental illness, retardation, emotional disturbance, and chemical dependency;
- F. procedures for patient transfers to appropriate medical facilities or health care providers; and
- G. prevention of communicable diseases.

#### **2945.1010 PART-TIME AND RELIEF STAFF.**

Part-time and relief staff shall complete orientation training appropriate to the facility's classification.

### **STAFF DEPLOYMENT, JOB DESCRIPTIONS, WORK ASSIGNMENTS, POST ORDERS, POLICIES AND PROCEDURES**

#### **2945.1600 GUIDELINES AND RESPONSIBILITIES.**

Each facility supervisor shall develop written guidelines that define responsibilities, duties, and qualifications of the persons working in the detention facility.

#### **2945.1610 POLICY AND PROCEDURE MANUALS.**

Policies and procedures concerning the facility's operation must be made available to employees at the time of employment and as revised after that time.

### **RECORDS AND REPORTS**

#### **2945.2100 MAINTENANCE OF RECORDS AND REPORTS.**

The following records, reports, and statistics shall be maintained:

- A. admission and release records (mandatory);
- B. prisoner personal property records;
- C. clothing, linen, and laundry records (not applicable to Class III and IV municipal holding facilities);
- D. records of budget requests and work orders (not applicable to Class III and IV municipal holding facilities);
- E. special occurrence records (mandatory);
- F. records of policies and procedures;
- G. employee personnel records;
- H. records of staff training;
- I. accounting records (not applicable to Class III and IV municipal holding facilities);
- J. registers (mandatory);
- K. food service records;
- L. daily logs;

- M. medical and dental records; and
- N. disciplinary records.

The department must make available sample approved forms upon request on items A to N.

**2945.2110 STORAGE AND PRESERVATION OF RECORDS (MANDATORY).**

Space must be provided for the safe storage of records.

**2945.2120 FILING AND DISPOSITION OF PRISONER RECORDS.**

Prisoner booking records shall be maintained.

**2945.2130 CONFIDENTIALITY OF AND ACCESS TO PRISONER RECORDS (MANDATORY).**

Confidentiality of prisoner records and prisoner access to factual (nonconfidential) data in their personal files must be provided in conformity with state law.

**PRISONER WELFARE**

**2945.2500 SEPARATION OF PRISONERS.**

Subpart 1. **General (mandatory).** A combination of separate living spaces, sanitation facilities, activity spaces, cell units, and detention rooms must be provided to properly segregate prisoners under *Minnesota Statutes*, section 641.14.

Subp. 2. **Prisoners to be housed separately.** The following prisoners must be housed separately:

- A. female prisoners from male prisoners;
- B. juvenile prisoners from adult prisoners; and
- C. insane prisoners from all other prisoners.

Juvenile prisoners must be separated from adult prisoners by sight and sound.

**2945.2510 INFORMATION TO PRISONERS.**

Subpart 1. **Information to prisoners.** Minimal rules for inmate behavior must be posted in a conspicuous place or provided to the inmate.

Subp. 2. **Official charge, legal basis for detention (mandatory).** Every prisoner admitted to a facility must be advised of the official charge or legal basis for detention and confinement, information gathered, and to whom disseminated.

Subp. 3. **Limitations on disciplinary actions.** The decision to deprive a prisoner of articles of clothing and bedding as a result of the prisoner's destruction of those items must be reviewed by the officer in charge during each eight-hour period, and the review must be documented.

The delegation of authority to a prisoner or group of prisoners to exercise the right of punishment over another prisoner or group of prisoners is prohibited.

No prisoner may be deprived of the use of materials necessary to maintain an acceptable level of personal hygiene. Items such as toilet paper and soap and water must be made available and provided upon request.

Subp. 4. **Instruments of restraint.** Instruments of restraint, such as handcuffs, chains, irons, and straitjackets must not be used as punishment.

A. Instruments of restraint must not be used except in the following circumstances:

- (1) as a precaution against escape during a transfer;
- (2) on medical grounds by direction of a consulting or attending physician or licensed psychologist; or
- (3) by order of the facility administrator or person in charge in order to prevent a prisoner from injuring himself or herself, others, or from damaging property.

B. The facility administrator shall develop written policies and procedures to govern the use of restraints.

C. Instruments of restraint must not be applied for any longer time than is strictly necessary.

D. Each incident involving the use of restraints consistent with item A, subitem (2) or (3), must be documented and on file.

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Subp. 5. **Disciplinary records.** Disciplinary records must be maintained on all documented disciplinary infractions and punishment administered.

### 2945.2520 PRISONER VISITATION.

Each facility administrator shall develop and implement a prisoner visiting policy. The policy shall be in writing and include the requirements in items A to I.

A. Nonmonitored visits between the prisoner and the prisoner's attorney must be permitted.

B. A schedule of visits that specifies days and times must be included (not applicable to Class III and IV municipal holding facilities).

C. A uniform number of permissible visits and the number of visitors permitted per visit must be established (not applicable to Class III and IV municipal holding facilities).

D. Adult prisoners must be permitted an initial visit with a member or members of their immediate family at the next regularly scheduled visiting period (not applicable to Class III and IV municipal holding facilities).

E. When a visit to a prisoner is denied for reasonable grounds on the belief that the visit might endanger the security of the facility, the action and reasons for denial must be documented.

F. Visitors must register, giving name, address, relationship to prisoner, and nature of business.

G. Visiting must not be audio monitored.

H. Policies for parents, guardians, and attorneys visiting juvenile prisoners must be as unrestrictive as is administratively possible. The initial visit for parents, guardians, and attorneys must be permitted at any time (mandatory).

I. Prisoners requesting private interviews for family problems with accredited clergy, nuns, seminarians, and laypersons active in community church affairs, must be afforded this opportunity within such policies as are reasonable and necessary to protect the facility's security (not applicable to Class IV).

### 2945.2530 CORRESPONDENCE.

Subpart 1. **Plan for prisoner mail.** A facility administrator shall develop a plan for prisoner mail consistent with established legal rights of prisoners and reasonable and necessary facility rules to protect the facility's security (not applicable to Class III and Class IV municipal holding facilities).

Subp. 2. **Unrestricted volume of mail.** The volume of written mail to or from a prisoner must not be restricted (not applicable to Class III and Class IV municipal holding facilities).

Subp. 3. **Inspection and censorship.** Mail must not be read or censored if it is between a prisoner and an elected official, officials of the department, the ombudsman for corrections, attorneys, or other officers of the court. Inspection of incoming mail from this group is permitted in the presence of the prisoner (mandatory; not applicable to Class III and Class IV municipal holding facilities).

Subp. 4. **Money.** Cash, checks, or money orders must be removed from incoming mail and credited to a prisoner's account (not applicable to Class III and Class IV municipal holding facilities).

Subp. 5. **Contraband.** If contraband is discovered in either incoming or outgoing mail, it must be removed (not applicable to Class III and Class IV municipal holding facilities).

Subp. 6. **Sacred books.** A prisoner desiring to read the Bible or sacred book of another religion must be provided a copy at the expense of the appointing authority (mandatory).

### 2945.2540 BEDDING, LAUNDRY, AND CLOTHING REMOVAL.

Subpart 1. **Bedding.** Upon request, or after eight hours, each detainee shall be issued clean, sanitary, and fire-retardant bedding (not applicable to Class IV municipal facilities).

Subp. 2. **Laundry.** Sheets must be laundered and blankets cleaned before reissuing them to another prisoner.

Subp. 3. **Removing clothing and bedding.** The facility administrator shall develop a policy and procedure for removing clothing and bedding from a prisoner. Clothing and bedding must be removed from a prisoner only when the prisoner's behavior threatens the health, safety, or security of self, other persons, or property. Clothing and bedding must be returned to the prisoner as soon as it is reasonable to believe that the behavior that caused the action will not continue.

### 2945.2550 EMERGENCIES AND SPECIAL OCCURRENCES.

Subpart 1. **Emergency plan (mandatory).** The facility administrator shall develop a written disaster plan. The plan must include:

A. location of alarms and fire fighting equipment;

B. emergency drill policy;

- C. specific assignments and tasks for personnel;
- D. persons and emergency departments to be notified;
- E. a procedure for evacuation of prisoners; and
- F. arrangements for temporary confinement of prisoners.

Subp. 2. **Review of emergency procedures.** There must be a documented quarterly review of emergency procedures by the person in charge of the facility that includes:

- A. assignment of persons to specific tasks in case of emergency situations;
- B. instructions in the use of alarm systems and signals;
- C. systems for notification of appropriate persons outside the facility;
- D. information on the location and use of emergency equipment in the facility; and
- E. specification of evacuation routes and procedures.

Subp. 3. **Reporting of special incidents.** Incidents of a special or serious nature that endanger the lives of staff or prisoners or the physical plant must be reported in writing within ten days to the county sheriff and the department. The reports must include the names of staff members and prisoners involved, the nature of the special occurrence, actions taken, and the date and time of the occurrence. Special occurrences include:

- A. attempted suicide;
- B. suicide;
- C. homicide;
- D. death other than suicide or homicide;
- E. serious injury or illness incurred after detention;
- F. escape or runaway;
- G. fire causing serious damage;
- H. riot;
- I. assaults requiring medical care;
- J. other serious disturbances; or
- K. occurrences of infectious diseases and disposition of the occurrences.

Special occurrences must be reported on forms provided by the department or comparable forms used by the facility.

In the event of an emergency such as serious illness, accident, imminent death, or death, the prisoner's family or others who maintain a close relationship must be notified.

Subp. 4. **Prisoner death.** When a prisoner's death occurs:

- A. the date, time, and circumstances of the prisoner's death must be recorded in the prisoner's record;
- B. if the prisoner dies in the facility, the coroner, medical examiner, or sheriff must be notified immediately;
- C. personal belongings must be handled in a responsible and legal manner;
- D. records of a deceased prisoner must be retained for a period of time in accordance with law; and
- E. the facility administrator shall observe all pertinent laws and allow appropriate investigating authorities full access to all facts surrounding the death.

#### **FOOD SERVICE**

##### **2945.3400 GENERAL REQUIREMENTS FOR FOOD SERVICE.**

The goal of food service in each facility is to provide prisoners with food and beverages that are nutritionally adequate, palatable,

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produced in a manner to prevent foodborne illness, of adequate quantity and variety, served at appropriate temperatures, and prepared by methods that conserve nutritional value.

### **2945.3410 FOOD HANDLING PRACTICES (MANDATORY).**

Food service shall be provided according to parts 4625.2500 to 4625.5000.

### **2945.3420 FREQUENCY OF MEALS.**

There must be no more than 14 hours between a substantial evening meal and breakfast. Where prisoners are not routinely absent from the facility for work or other purposes, at least three meals must be made available at regular times during each 24-hour period (not applicable to Class IV municipal holding facilities).

### **2945.3430 THERAPEUTIC DIETS (MANDATORY).**

A facility housing prisoners in need of medically prescribed therapeutic diets must have documentary evidence that the diets are provided as ordered by the attending physician (not applicable to Class IV municipal holding facilities).

### **2945.3440 USE OF FOOD IN DISCIPLINE (MANDATORY).**

Food must not be withheld as punishment (not applicable to Class IV municipal holding facilities).

### **2945.3450 SUPERVISION OF MEAL SERVING.**

All meals must be served under the direct supervision of staff (not applicable for Class IV municipal holding facilities).

### **2945.3460 HOT MEAL MINIMUM.**

A minimum of one hot meal must be provided for each 24 hours of confinement (not applicable to Class III and Class IV municipal holding facilities).

## SECURITY

### **2945.4700 SECURITY POLICIES AND PROCEDURES, GENERAL.**

Security policies and procedures must be written, operational, and include the following:

- A. control and recovery of contraband (mandatory);
- B. visitor and visit control;
- C. prohibition on firearms in prisoner areas (mandatory);
- D. search and shakedown schedules and procedures;
- E. escort of prisoners outside security areas;

F. the requirement that all inmates are personally observed by an employee at least every 30 minutes, but on an irregular schedule; more frequent observation is required for those inmates who are violent, suicidal, mentally disordered, or who demonstrate unusual or bizarre behavior (mandatory);

- I. escape prevention and action plans;
- J. tool, medication, key, and weapon control procedures;
- K. count procedure;
- L. classification of prisoners; and
- M. riot prevention and control procedures (not applicable to Class III and IV municipal holding facilities).

### **2945.4710 ADMISSIONS.**

Subpart 1. **Admission policies.** Admission policies and procedures must include the following:

- A. a thorough search of all admissions and prisoners on release status returning to the facility;
- B. showering and delousing facilities (Class III and IV municipal holding facilities must have some type of facilities for inmates to wash up if showers are not available);
- C. an assessment of health status;
- D. security classification (not applicable to Class III and IV municipal holding facilities);
- E. inventory of prisoner's property;
- F. fingerprinting and photographing, if appropriate; and
- G. completion of admission form.

Subp. 2. **Identification (mandatory).** No prisoners may be received or released by the staff of a facility until the arresting or escorting officer has produced proper credentials or until the proper documents have been completed, identifying the purpose for detention or release.

Subp. 3. **Privacy.** All intake procedures shall be conducted in a manner and location that assures the personal privacy of the prisoner and the confidentiality of the transaction.

#### **2945.4720 RELEASES.**

Subpart 1. **Return of prisoner property.** Upon release of a prisoner, the property of that prisoner, unless held for authorized investigation or litigation, must be returned with a receipt for the prisoner to sign or for the transporting officer to sign.

Subp. 2. **Transportation.** Prisoners must be permitted to make arrangements for transportation before release.

Subp. 3. **No release in intemperate weather.** No prisoner must be released in intemperate weather without proper clothing to ensure the prisoner's health and comfort.

#### **2945.4730 SEARCHES AND SHAKEDOWNS.**

Subpart 1. **Visitor searches.** Searches and shakedowns of visitors must be done in accordance with written policy and legal procedures.

Subp. 2. **Regular inspection of facility.** The facility must be regularly inspected for contraband, evidence of breaches in security, and inoperable security equipment. Inspections must be documented.

Subp. 3. **Inspection of materials delivered to or transported from the detention facility.** All materials delivered to or transported from the facility must be inspected for contraband before distribution. Inspections must be documented.

#### **2945.4740 LOCKS AND KEYS.**

Subpart 1. **General.** All keys to security locks must be properly tagged and stored in a secure cabinet within a secure area, and out of reach of the prisoners or the public (mandatory). At least one complete set of facility keys must be kept on hand for replacement purposes. Keys that serve a critical security purpose must be easily identifiable and never issued except upon order of the facility administrator or person in charge, and in accordance with established procedure. No security keys may be made available to prisoners regardless of status. All electronic locking systems must have a manual override.

Subp. 2. **Regular inspection.** Locks to security doors or gates must be inspected regularly to ensure efficient operation.

Subp. 3. **Inoperable locks.** No lock to a security door or gate may be permitted to be inoperable or left in an unsuitable condition. No prisoner shall be placed in a cell or area that has inoperable locks (mandatory).

#### **2945.4750 DANGEROUS MATERIALS (MANDATORY).**

Materials dangerous to either security or safety shall be properly secured.

#### **2945.4760 COUNT PROCEDURE.**

Each facility must have a written policy describing the system of counting prisoners. Formal counts must be completed with an official entry made in the daily log after each mass movement and at least once each eight hours.

### **ENVIRONMENTAL-PERSONAL HEALTH AND SANITATION**

#### **2945.5400 AVAILABILITY OF MEDICAL AND DENTAL RESOURCES (MANDATORY).**

Subpart 1. **Availability of resources, general.** Each facility must have a licensed physician or medical resource such as a hospital or clinic designated for the medical supervision and treatment of prisoners. Resources must ensure 24-hour-a-day service.

Subp. 2. **Emergency dental care.** Each facility must have emergency dental care available to prisoners.

Subp. 3. **Ambulance service.** Ambulance services must be available on a 24-hour-a-day basis.

Subp. 4. **Examination of prisoner where medical attention is necessary.** A prisoner must be examined by trained medical personnel if the prisoner is visibly ill, chronically ill, or when it is suspected that medical attention is necessary.

#### **2945.5410 POSTING OF AVAILABLE RESOURCES.**

A listing of telephone numbers of the medical, dental, and ambulance services available must be posted at each staff station along with the schedule of availability.

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### 2945.5420 HOSPITALIZATION OF A PRISONER.

Subpart 1. **Agreement between facility and hospital.** Each facility must have an agreement with a hospital in the same or nearby community permitting admission of a prisoner on the recommendation of the attending physician.

Subp. 2. **Guarding of prisoner.** When a prisoner requires hospitalization, the prisoner must be guarded on a 24-hour-per-day basis unless one of the following conditions has been satisfied: the prisoner is not in need of custody supervision; or the prisoner is medically incapacitated in the opinion of the attending physician.

### 2945.5430 FIRST AID.

Subpart 1. **Training of personnel.** Custody personnel responsible for the supervision, safety, and well-being of prisoners must be trained in emergency first aid.

Subp. 2. **First aid kit.** Facilities must have a minimum of one first aid kit located at the facility's control center or primary staff station.

Subp. 3. **Medical and dental records.** A facility must record all complaints of illness or injury and actions taken.

Medical or dental records must be maintained on prisoners under medical or dental care (mandatory). The records must include:

- A. the limitations and disabilities of the prisoner;
- B. instructions for prisoner care;
- C. orders for medication, including stop date;
- D. any special treatment or diet;
- E. activity restriction; and
- F. times and dates when the prisoner was seen by medical personnel.

### 2945.5440 PREVENTIVE HEALTH SERVICES.

Subpart 1. **Written plan for personal hygiene.** The facility administrator shall develop and implement a written plan for personal hygiene practices of all prisoners with special assistance for those prisoners who are unable to care for themselves (not applicable for Class III and Class IV municipal holding facilities).

Subp. 2. **Delousing materials.** Delousing materials and procedures must be approved through consultation with trained medical personnel.

Subp. 3. **Bathing.** A prisoner shall be permitted daily washing (not applicable to Class IV municipal holding facilities).

Subp. 4. **Indigent prisoners (mandatory).** Indigent prisoners shall receive reasonable personal hygiene items upon request.

### 2945.5450 DELIVERY, SUPERVISION, AND CONTROL OF MEDICINE.

Subpart 1. **Delivery by unlicensed staff.** The delivery of legend drugs by unlicensed staff must be under the direction of a consulting physician.

Subp. 2. **Plan for storage, delivery, and control of medicine.** A facility administrator, in consultation with a licensed physician or physician trained paramedic, shall develop a plan and procedure for the secure storage, delivery, and control of medicine.

A. The plan must include the following storage requirements:

- (1) medicine must be stored in a locked area;
- (2) the storage area must be kept locked at all times;
- (3) medicine requiring refrigeration must be refrigerated and secured;
- (4) prisoners must not be permitted in the medicine storage area;
- (5) only staff authorized to deliver medicine may have access to keys for the medicine storage area;
- (6) stock supplies of legend, prescription-type drugs must not be maintained (mandatory);
- (7) prescribed medicine must be kept in its original container, bearing the original label; and
- (8) poisons and medicine intended for external use must be clearly marked and stored separately from medicine intended for internal use.

B. Policy must dictate the delivery of medicine and must include the following:

(1) Medicine administered by injection must be administered by a physician, registered nurse, or licensed practical nurse. Diabetics under physician order and direct staff supervision must be permitted to self-administer insulin (mandatory).

(2) Medicine delivered to a prisoner must be self-administered under staff supervision.

(3) There must be a means for the positive identification of the recipient of medicine.

(4) Policy must include procedures and records to assure that medicine is delivered in accordance with physician instructions, and by whom.

(5) No prisoner while receiving legend drugs may receive any nonlegend drug without the approval of the attending physician (mandatory).

(6) Policy must include procedures for confirming that medicine delivered for oral ingestion has been ingested.

(7) Policy must include procedures for reporting to the physician any adverse reactions to drugs. Any reports shall be included in the prisoner's file (mandatory).

(8) Policy must include procedures for reporting to the attending physician a prisoner's refusal of prescribed medicine, and an explanation made in the prisoner's record (mandatory).

(9) Policy must include procedures for ensuring that no prisoner is deprived of medicine as prescribed because of penalty or staff retaliation (mandatory).

(10) Policy must include procedures that prohibit the delivery of medicine by prisoners (mandatory).

(11) Policy must include procedures requiring that a physician be contacted for instructions before the next prescribed medicine dosage time for all newly admitted prisoners who are either in possession of prescribed medicine or indicate a need for prescribed medicine (mandatory).

C. Records of receipt, the quantity of the drugs, and the disposition of legend drugs shall be maintained in sufficient detail to enable an accurate accounting.

Subp. 4. **Medicine given to prisoner upon release.** Prescribed medication belonging to a prisoner must be given to the prisoner or to the appropriate authority upon transfer or release. This shall be recorded in the prisoner's file.

Subp. 5. **Destruction of unused prescribed medicine.** Unused prescribed medicine must be destroyed by incineration or by flushing into the sewer system. A notation of the destruction must be made in the prisoner's record and must include a statement of what was destroyed, who destroyed it, and how it was destroyed.

#### **2945.5460 REPORTING SUSPECTED CONTAGIOUS DISEASE (MANDATORY).**

It is the responsibility of the facility administrator or person in charge to report to the Minnesota Department of Health any known or suspected contagious disease.

#### **2945.5470 SEPARATION OF PRISONERS SUSPECTED OF HAVING A CONTAGIOUS DISEASE.**

Prisoners suspected of having a contagious disease must be separated from other prisoners (mandatory).

#### **2945.5480 MENTALLY ILL PRISONERS.**

A policy must be developed for the management of mentally ill prisoners and must include a procedure for managing prisoners who are suspected of being mentally ill and considered to be a danger to self or others.

#### **2945.5490 HOUSEKEEPING, SANITATION, AND PLANT MAINTENANCE.**

Subpart 1. **General.** The facility must be kept in good repair to protect the health, comfort, safety, and well-being of prisoners and staff.

Subp. 2. **Maintenance plan.** The person responsible for plant maintenance, housekeeping, and sanitation must develop a written maintenance plan.

Subp. 3. **Compliance with rules (mandatory).** Housekeeping, sanitation, water supplies, plumbing, sewage disposal, solid waste disposal, and plant maintenance conditions must comply with rules required by the Minnesota State Building Code, the Minnesota Fire Marshal's Office, the Minnesota Department of Health, the Minnesota Department of Labor and Industry (O.S.H.A.), and other departmental rules having the force of law.

Subp. 4. **Plan for daily inspection.** The facility administrator shall establish a plan for the daily inspection of housekeeping, sanitation, and plant maintenance when the facility is occupied.

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## Proposed Rules

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Subp. 5. **Policies and procedures to detect deterioration of building and equipment.** The facility administrator shall develop policies and procedures designed to detect building and equipment deterioration, safety hazards, and unsanitary conditions. Policies and procedures must include:

A. a requirement that facility staff report unsanitary and unsafe conditions as well as physical plant and equipment repairs and replacement needs (mandatory);

B. a process for prioritizing work requests and reporting to the governing body in an expedient manner; and

C. a records system for review of budget and work requests, expenditures, dates and actions pursuant to detection of need, submission of work orders, and completion of requests.

Subp. 6. **Elimination of conditions conducive to vermin (mandatory).** A condition in the facility conducive to harborage or breeding of insects, rodents, or other vermin must be eliminated immediately.

Subp. 7. **Fire inspection (mandatory).** Fire inspections of the facility must be conducted on an annual basis by a state fire marshal or local fire official. Documentation of the inspection and any resulting orders must be maintained and available for inspection by the regulatory authority. Failure to comply with fire safety requirements will result in a denial of approval to continue facility operations.

## Department of Jobs and Training

### Proposed Permanent Rules Relating to Vending Stands and Business Enterprises of Services for the Blind

#### Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Department of Jobs and Training proposes to adopt the above-entitled rules without a public hearing following the procedures set forth in *Minnesota Statutes*, section 14.22 to 14.28. The proposed rules will amend *Minnesota Rules*, parts 3321.0100 through 3321.1400, relating to Vending Stands and Business Enterprises of State Services for the Blind.

The proposed rules interpret *Minnesota Statutes*, section 248.07, subdivisions 7 and 8. These rules have been developed as authorized by *Minnesota Statutes*, section 248.07, subdivision 14a.

Persons interested in these rules will have 30 days in which to submit comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes* sections 14.131 to 14.20.

Persons who wish to submit comments or a written request for a public hearing must submit such comments or requests to:

Chuck Hamilton  
State Services for the Blind  
1745 University Avenue  
St. Paul, Minnesota 55104

Comments or requests for a public hearing must be received by the department by 4:30 p.m. on July 12, 1990. Any written material received by the agency will become part of the rulemaking record to be submitted to the Attorney General in the event the rules are adopted.

The proposed rules may be modified if the modifications are supported by data and comment and do not result in a substantial change in the proposed rules as noticed.

A copy of these rules in braille, audio tape and ink print is available for review from Chuck Hamilton at the above address.

The proposed amendments to rules will establish due dates for payments from blind operators and impose penalties for significantly late payments and reports from operators. Furthermore, the proposed amendments will change certain requirements for the purchase of merchandise by operators. Other technical and housekeeping changes will also be proposed.

Notice is hereby given that a Statement of Need and Reasonableness is now available. The Statement of Need and Reasonableness describes the need and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules. Copies of the Statement of Need and Reasonableness may be reviewed at the agency, or copies may be obtained from Chuck Hamilton upon request at the above address.

These proposed rules may affect small businesses as defined in *Minnesota Statutes*, section 14.115, subdivision 1. Pursuant to *Minnesota Statutes*, section 14.115, subdivision 2, five methods were considered by the agency to reduce the impact of the proposed rules on small businesses. A discussion of these methods can be found in the Statement of Need and Reasonableness.

A fiscal note will not be prepared. The authority for these proposed rules, *Minnesota Statutes*, Chapter 248, was enacted before July 1, 1985. Therefore, these proposed rules need not include a fiscal note under exceptions provided by *Minnesota Statutes*, section 3.983, subdivision 3.

If no hearing is required, upon adoption of the rules, the rules and the required supporting documents will be delivered to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General from Chuck Hamilton at the above address.

Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rules, must submit the written request to Chuck Hamilton.

Joe Samargia, Commissioner  
Department of Jobs and Training

## Rules as Proposed

### 3321.0100 STATUTORY AUTHORITY AND SCOPE OF RULES.

Pursuant to *Minnesota Statutes*, section 248.07, subdivision 4, ~~the following rules are hereby~~ this chapter is issued by the commissioner of jobs and training to govern all vending stands and business enterprises established by the Services for the Blind, Department of Jobs and Training, for which the department is responsible. Licenses to blind persons will be issued ~~in accordance with these rules according to this chapter~~ and applicable statutes by the commissioner or ~~his~~ a designee, hereinafter to be known as the licensing agency. A licensed blind person is an independent contractor to the licensing agency and is not an employee of the licensing agency or the state of Minnesota.

### 3321.0300 PERIOD OF LICENSE.

Each license will be issued upon execution of an operator's first agreement pursuant to part 3321.0500, subpart 1, for an indefinite period but subject to termination by written notice for good cause shown, including but not limited to:

A. failure to operate ~~in accordance with~~ according to parts 3321.0100 to 3321.1400, the agreement with the operator, or the terms and conditions of the licensing agency's permit to operate in the building or property;

B. improvement of vision so that the operator no longer meets the definition of blindness ~~as stated in item A under part 3321.0200~~;

C. extended illness with medically documented diagnosis of prolonged incapacity of the operator to operate the vending stand in a manner consistent with the needs of the location or other available locations in the program; ~~and~~

D. withdrawal of the operator from the program upon the operator's written notification to the licensing agency; ~~and~~

E. failure to work as a licensed operator, relief operator, or take additional approved training related to the operation of an enterprise, a minimum of two weeks per year unless on an approved leave.

A license may be issued to a blind person to operate an enterprise in the program without that person taking vending machine training. No licensee may be placed or transferred to a vending machine enterprise without first taking and satisfactorily completing vending machine training sufficient to operate the vending stand or business enterprise in question.

### 3321.0350 DETERMINATION OF VISUAL STATUS.

Subpart 1. Testing; evidence of visual acuity. In order to equitably determine ongoing compliance with visual requirements for operators under parts 3321.0200 and 3321.0300, item B, in years ending in zero and five all licensed vendors must provide current ophthalmological or optometric evidence documenting their visual status. "Current" means evidence of an examination no more than six months old from the date of submission. Evidence is sufficient if it allows the state ophthalmological consultant to determine

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## Proposed Rules

whether or not the operator is legally blind. If the ophthalmological consultant determines the operator to be legally blind and specifically states that the blindness is permanent, the operator will not be subject to future examinations under this part.

Subp. 2. License termination; failure to prove visual acuity. Operators not providing ophthalmological or optometric evidence are presumed to be not legally blind and action must be taken under part 3321.0300 to terminate their license.

Operators found to be not legally blind on the basis of the submitted evidence shall have their licenses terminated under part 3321.0300. Their termination date is one year from the date of their notice of license termination. The operator must immediately be referred to the vocational rehabilitation unit of Services for the Blind and Visually Handicapped to be evaluated for eligibility for services that would lead to alternative vocational opportunities.

Subp. 3. Cost of examination. An operator may enter as an expense on their books submitted to the licensing agency the cost of obtaining ophthalmological or optometric evidence required by this chapter.

### **3321.0600 FURNISHING EQUIPMENT AND INITIAL STOCKS.**

The licensing agency is responsible:

A. for furnishing each vending stand or business enterprise with adequate, suitable equipment ~~and maintenance, repair,~~ and replacement of such equipment and assistance in maintenance and repair of equipment; and

B. for furnishing each vending stand or business enterprise with adequate initial stocks of merchandise and supplies. Subsequent purchase of merchandise shall be made by the operator out of current receipts. Merchandise shall be replaced as sold, maintaining the inventory at the minimum of the original inventory unless mutually agreed otherwise by the licensing agency and the operator.

### **3321.0700 RIGHT TO, TITLE TO, AND INTEREST IN THE VENDING STAND EQUIPMENT AND STOCKS.**

Subpart 1. Inventories. The right to, title to, and interest in the vending stand equipment used in the program is vested in the state of Minnesota. Operators will be required to acquire ownership of merchandise and supplies through reimbursing the licensing agency for such expenditures, by monthly payments extended over a three-year period. Upon approval of the licensing agency additional time may be granted in hardship cases, the purpose of which is to assure that no individual be denied the opportunity to become an operator because of the operator's inability to purchase the initial stock. Upon termination of the operator's license or when operators withdraw from a specific vending stand or business enterprise location, the licensing agency will purchase for the new operator, at the prevailing wholesale price cost, all salable merchandise and, at an amortized price, all supplies remaining in the stand, assuming there is no delinquency amount owing in the departing operator's accounts with the licensing agency. No fixtures or equipment shall be added, altered, or removed from the stand except at the direction of the licensing agency. The operator will exercise all possible care in the use of fixtures and equipment, making no alterations, changes, or additions. When a licensed operator under contract dies, the licensing agency must immediately take an inventory at the stand in cooperation with a member of the operator's family or a representative of the operator's estate. The licensing agency must then prepare a summary accounting of the deceased licensed operator's accounts with the licensing agency. If the balance is in favor of the licensing agency, the estate must pay that balance. If the balance is in favor of the deceased licensed operator, the licensing agency must pay the balance to the estate. The warrant will be made payable to the "Estate of [licensed operator's name]."

Subp. 2. Operator determination of acquisition. Beginning 12 months following the effective date of this subpart, an operator who begins to operate at a vending stand or business enterprise location shall determine what merchandise or supplies the new operator shall purchase from the departing operator. In the case of an operator disagreement over the purchase of supplies or merchandise, the departing operator may request that the licensing agency intervene and make a final decision. The departing operator shall be responsible for disposing of the merchandise or supply inventory not purchased by the new operator.

### **3321.0800 FUNDS SET ASIDE FROM VENDING STAND PROCEEDS.**

[For text of subps 1 to 3, see M.R.]

Subp. 4. Due date. Funds set aside from vending stand proceeds are due by the 25th of the following month.

### **3321.1000 POLICIES GOVERNING DUTIES, SUPERVISION, TRANSFER, AND PARTICIPATION OF OPERATORS.**

[For text of subpart 1, see M.R.]

Subp. 2. **Operator duties.** Each operator shall agree to:

A. perform faithfully and to the best of the operator's ability the necessary duties in connection with the operation of a vending stand ~~in accordance with~~ according to the licensing agency's rules, the terms of the licensing agency's permit to operate in the building or property, and the agreement with the operator;

[For text of item B, see M.R.]

C. operate the vending stand ~~in accordance with~~ according to all applicable health laws and regulations and any other applicable federal, state, or local law or regulation;

D. ~~make all purchases of merchandise on a strictly cash basis unless exception is permitted in writing by the licensing agency;~~

~~E. make no credit sales; and~~

~~F. furnish monthly reports to the licensing agency by the tenth of the following month, listing daily sales by type, other income, purchases, other expenditures, and personal withdrawals, and attaching all statements and invoices properly received. Inventory of merchandise will be included when requested-;~~

~~E. indemnify and hold harmless the state of Minnesota, its officers, or agents, for any acts or omissions of said operator that may result in the operator's liability to third parties, and the state shall not be liable for negligence based on any theory of liability; and~~

~~F. provide the licensing agency at least 60 days notice of intent to leave the program.~~

Subp. 3. **Agency duties.** The licensing agency assumes responsibility for providing to the vending stand operators such supervision, assistance, and training as may be necessary to ensure the operation of each vending stand in the most productive and efficient manner possible. This supervision, assistance, and training must be performed ~~in accordance with~~ according to the following policies in addition to other provisions of parts 3321.0100 to 3321.1400.

A. In entering agreements for new or vacated stands, preference on the basis of seniority of experience of operating stands under the control of the licensing agency shall be given to capable operators who are deemed competent to handle the enterprise under consideration. The application of such preference will not prohibit the licensing agency from selecting an operator from the community in which the stand is located. No operator may transfer to another stand and bid back into the stand the operator just left in the same bidding sequence. An operator is in default if either of the following is more than 30 days late:

(1) reports under subpart 2, item D; or

(2) payment in full under part 3321.0800.

In case of any default, the operator will be assessed a late fee of \$20. The licensing agency shall notify the operator of the default and penalty. An operator who is in default twice within six months will not be permitted to transfer to new or vacated stands, after notice of disqualification from the licensing agency. The operator may regain eligibility to transfer if the operator has cured any prior default and has not been in default for six consecutive months after the prior defaults have been cured. Seniority shall be determined on the basis of continuous service in the stand program while under contract with the licensing agency. In the case of broken service, previous service shall be considered only when termination was due to no fault of the operator. Termination for medical reasons may be considered as a leave of absence when so requested by the operator and approved by the licensing agency at the time of termination. A leave of absence for medical reasons, supported by a doctor's statement, may be granted by the licensing agency and operator management committee and the operator shall continue to accrue seniority during the leave. A medical leave of absence for up to three months, which may be later extended for an additional three months, may be granted under a plan in which the requesting operator retains responsibility for and general management of the current vending stand. A medical leave up to one year may also be granted under a plan in which the operator permanently gives up all responsibility for and rights to the current vending stand. A doctor's statement of ability to return to work is required before an operator's actual return to a stand.

A general leave of absence may be granted by the licensing agency and operator management committee for a period up to two years during which time the operator shall not accrue seniority but may exercise seniority rights for new or vacated stands. The operator shall retain seniority accrued up to the date of the leave. An operator on general leave shall give up all rights to the vending stand or business enterprise which they are operating.

B. When it has been determined that a relief operator or an assistant or assistants must be employed, the ~~licensing agency~~ operator shall first make attempts to locate a handicapped individual before approving the employment of a nonhandicapped person. The wages paid for any help, including bookkeeping, must be in reasonable proportion to work performed and must be approved by the licensing agency.

C. The licensing agency shall approve the items and the selling prices at which those items may be sold, which comprise the merchandise inventory at each vending stand.

~~D. The operator must obtain the approval of the licensing agency before changing vendors with whom the operator does business in connection with the vending stand-~~

~~E. The operator will purchase acquire liability and if necessary workers' compensation insurance for the vending stand. The~~

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## Proposed Rules

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agency will purchase liability insurance for a vending stand only when, in the opinion of the licensing agency, it is deemed essential that the agency purchase this insurance.

E. The licensing agency shall review all operator books and other information with specific attention to expenses and take those steps necessary to ensure operator payment of those expenses.

### 3321.1100 OPERATOR MANAGEMENT COMMITTEE.

[For text of subpart 1, see M.R.]

Subp. 2. **Representation, nominations, and terms.** The committee will consist of one representative from each of the program districts (at present six) and two representatives at large.

[For text of items A to C, see M.R.]

D. The committee shall elect its own ~~chairman~~ chair and other officers. The ~~chairman~~ chair shall appoint subcommittees as necessary.

E. The full committee will meet a minimum of ~~twice~~ four times a year. Meetings may be called by notice of either the licensing agency or the ~~chairman~~ chair of the committee. Subcommittees will meet as necessary to carry on their functions.

[For text of item F, see M.R.]

[For text of subp 3, see M.R.]

### 3321.1200 REVIEW OF AGENCY DECISIONS.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Hearing procedures.** An opportunity for a fair hearing conducted pursuant to *Minnesota Statutes*, chapter 14 will be afforded to each operator dissatisfied with any action arising from the operation or administration of the vending stand program. The following procedures will be followed in granting operators a fair hearing.

[For text of item A, see M.R.]

B. An operator or the operator's designee must request a fair hearing in writing. This request must be transmitted to the ~~administrator~~ director of the licensing agency personally or by certified mail, return receipt requested. The request must specify the action being appealed and state in detail the basis for the appeal.

C. The hearing shall be held at a time and place convenient and accessible to the operator requesting a fair hearing. A hearing held during regular agency working hours and located at the state agency central office will be deemed among the convenient times and places. Upon receipt of the request, the licensing agency shall immediately request a hearing date from the state Office of Administrative Hearings, whose designee shall serve as an impartial presiding officer, and then notify the operator of the time and place for the hearing. The operator must be provided sufficient preparation time before the hearing. The operator shall be provided a copy of the hearing procedures and rules.

D. The operator has the right to be represented by counsel, and may present witnesses and cross-examine adverse witnesses.

E. A transcript of the proceeding must be available to the operator.

F. After receipt of the report of the administrative law judge the state administrator (or, in the case of license revocation, the commissioner of jobs and training) director shall issue a proposed written decision within 15 days. The proposed decision shall state that the decision shall become final 15 days after its issuance unless, before that date, the operator requests a review by a three person appeal committee according to Minnesota Statutes, section 248.07, subdivision 15, clause (3). The appeal committee's recommendation will be made to the administrator of the licensing agency or the commissioner who shall issue a final decision modifying or affirming the proposed decision.

Subp. 4. **Arbitration panel.** If an operator is dissatisfied with the decision rendered after a full evidentiary hearing, the operator may request that an arbitration panel be convened by filing a complaint with the secretary of the Department of Education, as authorized by federal regulations at Code of Federal Regulations, title 45 ~~34~~, section ~~4369-13 (1979)~~ 395.13 (1981).

### 3321.1300 ACCESS TO PROGRAM AND FINANCIAL INFORMATION.

Each operator shall be provided access to all program and financial data of the licensing agency relevant to the operation of the vending stand program, including quarterly and annual financial reports. Insofar as is practicable, ~~such~~ the data shall be made available in braille or recorded tape. At the request of an operator, the licensing agency will arrange a convenient time to assist in the interpretation of ~~such~~ the data. The operator management committee organized under part 3321.1100 shall be provided all individual and program data necessary to carry out its purpose and function.

# Adopted Rules

The adoption of a rule becomes effective after the requirements of Minn. Stat. §14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. §14.33 and upon the approval of the Revisor of Statutes as specified in §14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under §14.18.

## Department of Commerce

### Adopted Permanent Rules Relating to Reciprocal Interstate Branching by Savings and Loan Associations

The rules proposed and published at *State Register*, Volume 14, Number 19, pages 1123-1131, November 6, 1989 (14 S.R. 1123) are adopted with the following modifications:

#### Rules as Adopted

##### 2660.0030 ACQUISITION PROCEDURE.

Subp. 3. **Application documentation.** An application filed under subpart 1 must contain the following attachments:

J. Any other ~~exhibit that~~ information the commissioner considers ~~relevant~~ necessary to determine whether the application should be approved.

##### 2660.0050 VIOLATIONS.

Subpart 1. ~~Divestiture; cease and desist.~~ In the event a reciprocating state holding company makes an acquisition other than in full compliance with the requirements and procedures of Minnesota Statutes, section 51A.58, and parts 2660.0050 to 2660.0110, the commissioner may by order require the reciprocating state holding company to:

A. ~~divest itself of its direct or indirect ownership or control of any association or branch located in this state; or~~

B. ~~cease and desist the violations by a date certain. The order would be subject to the procedures applicable to cease and desist proceedings under Minnesota Statutes, sections 46.23 to 46.33, and any applicable rules.~~

Subp. 2. ~~Net new funds; misrepresentation.~~ If the commissioner determines that at any time after the acquisition of an association located in this state by a reciprocating state holding company it has materially misrepresented or substantially failed to conform to the statement submitted in the application required by part 2660.0030, subpart 4, item U, the determination shall be considered prima facie evidence of a violation subject to the divestiture or cease and desist procedures in subpart 1. In any proceeding under this part, the burden of proving compliance with the requirements of Minnesota Statutes, section 51A.58, and parts 2660.0050 to 2660.0110, is upon the reciprocating state holding company.

##### 2660.0090 DEVELOPMENTAL LOANS.

Subp. 3. ~~Permissive factors.~~ The commissioner may also consider:

A. ~~any peer group average for developmental loans and investments by similar financial institutions concerning geography, financial condition, asset quality, asset mix, and community reinvestment criteria; and~~

B. ~~other material fact or information concerning the appropriate level of developmental loans to be made by the acquiree.~~

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# Official Notices

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Pursuant to the provisions of Minnesota Statutes §14.10, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

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## Minnesota Comprehensive Health Association

### Notice of Annual Meeting of Members and Annual Meeting of the Board of Directors

NOTICE IS HEREBY GIVEN that the Annual Meeting of Members of the Minnesota Comprehensive Health Association will be held at 9:00 a.m. on Wednesday, June 20, 1990, at the Minnesota Club, 317 Washington Street, St. Paul, Minnesota, to be followed by the Annual Meeting of the Board of Directors.

For additional information, please call (612) 456-8466.

## Ethical Practices Board

### Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing Campaign Financing, Economic Interest Disclosure, Lobbyist Registration and Reporting, and Conflicts of Interest

NOTICE IS HEREBY GIVEN that the State Ethical Practices Board is seeking information or opinions from sources outside the agency in preparing to propose the amendment of the rule governing campaign financing, economic interest disclosure, lobbyist registration and reporting, and conflicts of interest. The adoption of the rule is authorized by *Minnesota Statutes*, section 10A.02, subd. 13, which permits the agency to promulgate rules to carry out the purposes of *Minnesota Statutes*, Chapter 10A.

The State Ethical Practices Board requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to: Mary Ann McCoy, Executive Director, 625 N. Robert St., St. Paul, MN 55101. Oral statements will be received during regular business hours over the telephone at (612) 296-1720 and in person at the above address. Statements will be received, also, at a public meeting of the Ethical Practices Board's Subcommittee on Rules and Forms to be held on Monday, June 25, 1990, and at the Board's regular meeting on Thursday, June 28, 1990. Both meetings will be held in Room 300N, State Office Building, 100 Constitution Avenue, in the Capitol Complex, St. Paul; the meeting on June 25, 1990, will begin at 2 p.m.; the meeting on June 28, 1990, will begin at 9 a.m.

All statements of information and opinions shall be accepted until 4:30 p.m. on July 5, 1990. Any written material received by the State Ethical Practices Board shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 5 June 1990

Mary Ann McCoy, Executive Director

## Kanabec County Law Library

### Notice of Raise in County Law Library Filing Fees

Please take notice that pursuant to *Minnesota Statutes* § 140.422 (subd. 4) in the County of Kanabec, State of Minnesota, the Kanabec County law library committee, acting as its Board of Trustees, and with the approval of the County Board of Commissioners set the county law library fees to the following:

Conciliation Court .....	\$3.00
Petty Misdemeanors, Misdemeanors, Probate, Civil, and all family matters .....	5.00
Felony and Gross Misdemeanors .....	10.00

Effective July 1, 1990

## **Department of Labor & Industry**

### **Labor Standards Division**

#### **Notice of Prevailing Wage Determinations for Highway/Heavy and Commercial Projects**

On June 11, 1990 the commissioner certified prevailing wage rates for commercial and highway/heavy construction projects in the following Minnesota counties: **Anoka, Benton, Big Stone, Carver, Chippewa, Chisago, Dakota, Douglas, Grant, Hennepin, Isanti, Kanabec, Kandiyohi, McLeod, Meeker, Mille Lacs, Morrison, Pine, Pope, Ramsey, Scott, Sherburne, Stearns, Stevens, Swift, Todd, Traverse, Washington, Wright.**

A copy of the determined wage rates for Minnesota counties may be obtained by contacting the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155. The charges for the cost of copying and mailing are \$.50 for the first county and \$.30 for any subsequent copies of the same or other counties. The cost for a complete set of the above counties will be \$15.00. A sales tax of 6% must be added to all orders.

A check or money order payable to the State of Minnesota must accompany each request.

Ken Peterson, Commissioner  
Department of Labor and Industry

## **Pollution Control Agency**

### **Division of Ground Water and Solid Waste**

#### **Notice of Intent to Solicit Outside Information Regarding Proposed Rule Governing Financial Assurance for Solid Waste Land Disposal Facilities**

**NOTICE IS HEREBY GIVEN** that the Minnesota Pollution Control Agency (Agency) is seeking information or opinions from outside sources in preparing to propose the amendment of rules governing financial assurance for solid waste land disposal facilities (*Minnesota Rules* Parts 7035.2705 to 7035.2805). The amendment of this rule is authorized by *Minnesota Statutes* § 116.07, subd. 4h (1990), which requires the Agency to adopt rules relating to financial responsibility.

The Agency requests information and opinions concerning the subject matter of the rules. Interested persons or groups may submit data or views in writing or orally. Written or oral statements or comments should be directed to:

Robert McCarron  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, Minnesota 55155  
Telephone: (612) 296-7324

Oral statements will be received during regular business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday.

All statements of information and opinion will be accepted until September 30, 1990. Any written materials received by the Agency shall become part of the rulemaking record in the event that the rules are amended.

Gerald L. Willet  
Commissioner

## **Pollution Control Agency**

### **Division of Air Quality**

#### **Notice of Intent to Solicit Outside Information Regarding Proposed Rules Governing Standards of Performance for Motor Vehicles (*Minnesota Rules* Pts. 7005.1150-7005.1190)**

**NOTICE IS HEREBY GIVEN** that the Minnesota Pollution Control Agency (MPCA) is seeking information or comments from outside sources in preparing to propose the amendment of rules governing Standards of Performance for Motor Vehicles, *Minnesota Rules* Pts. 7005.1150-7005.1190, to be consistent with *Minnesota Statutes* § 325E.0951 Motor Vehicle Air Pollution Control Systems, and to address federal and state enforcement concerns. The amendment of the rule is authorized by *Minnesota Statutes* § 116.07 (1988), which authorizes the MPCA to adopt and amend rules for the prevention, abatement, or control of air pollution.

## Official Notices

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The MPCA requests information and comments concerning the subject matter of the standards. Interested persons or groups may submit data or views in writing or orally. All statements should be submitted to:

Robert C. Berg  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, Minnesota 55155  
Telephone: 612/296-7542

Oral comments and inquiries will be received by Mr. Berg during the hours of, 7:30 A.M. to 3:00 P.M., Monday through Friday.

All written or oral statements will be accepted until July 13, 1990. Any written materials received by the MPCA shall become part of the rulemaking record in the event that the rule is amended.

Gerald L. Willet  
Commissioner

## Minnesota State Retirement System

### Board of Directors, Regular Meeting

A meeting of the Board of Directors, Minnesota State Retirement System, will be held on Friday, June 15, 1990 at 9:00 a.m. in the office of the System, 529 Jackson Street, St. Paul, Minnesota.

## Minnesota Office of Waste Management

### Local Government Assistance Unit

### Notice of Intent to Solicit Outside Information Regarding Proposed Amendments to Rules Governing Comprehensive Solid Waste Management Planning and Certificate of Need

**NOTICE IS HEREBY GIVEN** that the Minnesota Office of Waste Management (Office) is seeking information or opinions from outside sources in preparing to propose amendments to State Rules governing comprehensive county solid waste management planning and certificate of need issuance, *Minnesota Rules* ch. 9215.0100 to 9215.0250. The Office is considering amending the rules to clarify them and incorporate legislative amendments to the Waste Management Act. The amendment of rules is authorized by *Minnesota Statutes* 115A.06, subd. 2 (1988), which allows the Office to promulgate rules to govern its activities and to implement *Minnesota Statutes* 115A.06.

The Office requests information and opinions concerning the subject matter of the rules. Interested persons or groups may submit data or views in writing or orally. Written or oral statements or comments should be directed to:

David Benke  
Minnesota Office of Waste Management  
1350 Energy Lane  
St. Paul, Minnesota 55108  
Telephone: (612) 649-5776

Oral statements will be received during regular business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday.

All statements of information and opinion will be accepted until July 11, 1990. Any written materials received by the Office shall become part of the rulemaking record in the event that the rule is amended.

Michael Robertson  
Director

## Board of Water and Soil Resources

### Notice of Meeting of the Board

The Board of Water and Soil Resources will hold their June 27, 1990 meeting at the Holiday Inn-St. Paul-North, 2540 North Cleveland Avenue, Roseville. The meeting will convene at 9:00 a.m.

# State Contracts and Advertised Bids

Pursuant to the provisions of Minn. Stat. §14.10, an agency must make reasonable effort to publicize the availability of any services contract or professional and technical services contract which has an estimated cost of over \$2,000.

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

Commodities contracts with an estimated value of \$15,000 or more are listed under the Procurement Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers whose initials appear in parentheses next to the commodity for bid, by calling (612) 296-6152.

**Awards of contracts and advertised bids for commodities and printing, as well as awards of professional, technical and consulting contracts, appear in the midweek STATE REGISTER Contracts Supplement, published every Thursday. Call (612) 296-0931 for subscription information.**

## Department of Administration: Materials Management Division

### Contracts and Requisitions Open for Bid

Call 296-2600 for information on a specific bid, or to request a specific bid.

**Commodity:** 3 panel display—rebid  
**Contact:** John Bauer 296-2621  
**Bid due date at 2pm:** June 12  
**Agency:** Natural Resources Department  
**Deliver to:** St. Paul  
**Requisition #:** 29000-54100-2

**Commodity:** E937 11 & 12 tungsten carbide insert blades  
**Contact:** Steve Bergstahler 296-3775  
**Bid due date at 2pm:** June 14  
**Agency:** Transportation Department  
**Deliver to:** Various  
**Requisition #:** 79250-00888

**Commodity:** E51.3 snow plow cutting edges  
**Contact:** Steve Bergstahler 296-3775  
**Bid due date at 2pm:** June 14  
**Agency:** Transportation Department  
**Deliver to:** Various  
**Requisition #:** 79250-00886

**Commodity:** E51.5 flame hardened edges  
**Contact:** Steve Bergstahler 296-3775  
**Bid due date at 2pm:** June 15  
**Agency:** Transportation Department  
**Deliver to:** Various  
**Requisition #:** 79600-04218

**Commodity:** Various blades & bolts  
**Contact:** Steve Bergstahler 296-3775  
**Bid due date at 2pm:** June 15  
**Agency:** Transportation Department  
**Deliver to:** Various  
**Requisition #:** 79450-00656

**Commodity:** Telecom: wiring inventory/database  
**Contact:** Teresa Ryan 296-7556  
**Bid due date at 2pm:** June 15  
**Agency:** Human Services Department  
**Deliver to:** St. Paul  
**Requisition #:** 55000-03657

**Commodity:** Pocket folders  
**Contact:** John Bauer 296-2621  
**Bid due date at 2pm:** June 15  
**Agency:** Revenue Department  
**Deliver to:** St. Paul  
**Requisition #:** 67420-23595

**Commodity:** Dictaphone maintenance  
**Contact:** John Bauer 296-2621  
**Bid due date at 4:30pm:** June 15  
**Agency:** Jobs & Training Department  
**Deliver to:** St. Paul  
**Requisition #:** 21200-30635

**Commodity:** Lektrievers  
**Contact:** John Bauer 296-2621  
**Bid due date at 2pm:** June 15  
**Agency:** Pollution Control Agency  
**Deliver to:** St. Paul  
**Requisition #:** 32300-22559

**Commodity:** Concrete beam tester  
**Contact:** Joseph Gibbs 296-3750  
**Bid due date at 2pm:** June 18  
**Agency:** Transportation Department  
**Deliver to:** Maplewood  
**Requisition #:** 79000-05787

**Commodity:** Display  
**Contact:** John Bauer 296-2621  
**Bid due date at 4:30pm:** June 18  
**Agency:** Transportation Department  
**Deliver to:** St. Paul  
**Requisition #:** 79000-03963

**Commodity:** Weedcutters & brushcutters  
**Contact:** Dale Meyer 296-3773  
**Bid due date at 2pm:** June 19  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** Price Contract

**Commodity:** Copiers (36,000 copies/mo.)  
**Contact:** Joseph Gibbs 296-3750  
**Bid due date at 2pm:** June 15  
**Agency:** Human Services Department  
**Deliver to:** St. Paul  
**Requisition #:** 55000-03585

**Commodity:** Copiers (150,000 copies/mo, 75,000 copies/mo.)  
**Contact:** Joseph Gibbs 296-3750  
**Bid due date at 2pm:** June 15  
**Agency:** Human Services Department  
**Deliver to:** St. Paul  
**Requisition #:** 55000-10881

**Commodity:** Lektriever  
**Contact:** John Bauer 296-2621  
**Bid due date at 2pm:** June 15  
**Agency:** Pollution Control Agency  
**Deliver to:** St. Paul  
**Requisition #:** 32300-22586

## State Contracts and Advertised Bids

**Commodity:** Copier lease  
**Contact:** Joseph Gibbs 296-3750  
**Bid due date at 2pm:** June 15  
**Agency:** Mesabi Community College  
**Deliver to:** Virginia  
**Requisition #:** 27150-50190

**Commodity:** Sand and salt spreader, hopper body and prewetting system  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 2pm:** June 19  
**Agency:** Central Shop—Transportation Department  
**Deliver to:** St. Paul  
**Requisition #:** 79382-01992

**Commodity:** Northgate SL 20.1, no sub  
**Contact:** Bernadette Vogel 296-3778  
**Bid due date at 2pm:** June 19  
**Agency:** St. Cloud State University  
**Deliver to:** St. Cloud  
**Requisition #:** 26073-21876

**Commodity:** Automatic tripping unit for window air conditioners  
**Contact:** Joyce Dehn 297-3830  
**Bid due date at 2pm:** June 22  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** Price Contract

**Commodity:** Fish hatching jars  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 4:30pm:** June 18  
**Agency:** Natural Resources Department  
**Deliver to:** Brainerd  
**Requisition #:** 29003-05719

**Commodity:** 1990 truck  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 2pm:** June 20  
**Agency:** Correctional Facility  
**Deliver to:** Lino Lakes  
**Requisition #:** 78550-06858

**Commodity:** Fish hatching jars  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 4:30pm:** June 18  
**Agency:** Natural Resources Department  
**Deliver to:** Various  
**Requisition #:** 29000-54312

## Department of Administration: Print Communications Division

Printing vendors for the following printing contracts must review contract specifications in printing buyers office at 117 University Avenue, Room 134-B, St. Paul, MN.

**Printing vendors NOTE: Other printing contracts can be found in the Materials Management Division listing above, and in the Professional, Technical & Consulting Contracts section immediately following this section.**

**Commodity:** Renewal certificate, 10M, 9½" x 4" with pin feed, fan fold 2-up, type to set, 2-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** June 13  
**Agency:** Board of Social Work  
**Deliver to:** St. Paul  
**Requisition #:** 9176

**Commodity:** GIANTS RIDGE NEWS, 35M 20-page tabloid, 24" x 16" folded twice to 12" x 8", type to set, 2-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** June 13  
**Agency:** Giants Ridge Ski Area  
**Deliver to:** Biwabik  
**Requisition #:** 9175

**Commodity:** Big game possession tag, 175M, size 4 tag, type to set, 2-sided, preprinted numbering  
**Contact:** Printing Buyer's Office  
**Bids are due:** June 14  
**Agency:** Natural Resources Department—Wildlife  
**Deliver to:** St. Paul  
**Requisition #:** 9230

**Commodity:** Household report form, 260M 4-page 2-part continuous sets, 8½"x22" folded to 8½"x11", punch, perf, camera ready, 2-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** June 14  
**Agency:** Human Services Department Warehouse  
**Deliver to:** New Brighton  
**Requisition #:** 9156

**Commodity:** Unit service request, 1M 4¼"x7", camera ready, 3 forms 1-, 2- and 2-parts carbonless, 1-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** June 14  
**Agency:** Transportation Department  
**Deliver to:** St. Paul  
**Requisition #:** 9197

**Commodity:** Letterhead 25M, second sheets 2M and #10 envelopes 5M, type to set + negs, 1-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** June 15  
**Agency:** Education Department  
**Deliver to:** St. Paul  
**Requisition #:** 9163

**Commodity:** Class schedule printing, 65M quarterly, 32-page booklet, 8"x11¼", newsprint, camera ready, 2-sided  
**Contact:** Printing Buyer's Office  
**Bid due date at 2pm:** June 20  
**Agency:** Metro State University  
**Deliver to:** St. Paul  
**Requisition #:** 9246

## Professional, Technical & Consulting Contracts

### Department of Human Services

#### Faribault Regional Center

#### Request for Proposals for Services to be Performed on a Contractual Basis

NOTICE IS HEREBY GIVEN that Faribault Regional Center; Residential Facilities Division; Department of Human Services, is seeking the following service for the period of July 1, 1990-June 30, 1991; these services as requested by the Chief Executive Office of the Faribault Regional Center.

The services of a **PHYSICIAN OR PHYSICIAN GROUP** to provide weekend coverage at Faribault Regional Center upon the request of the Medical Director. Coverage services include making rounds in the Medical Hospital and Units, responding promptly to all emergency calls, admitting and transferring sick persons, performing physical examinations, writing therapeutic programs, and other services. The estimated amount of this contract will not exceed \$25,800.00.

Responses must be received by June 29, 1990.

Direct inquiries to:

Dr. Iancu Foni, Medical Director  
Faribault Regional Center  
802 Circle Drive  
Faribault, MN 55021  
(507) 332-3427

## Non-State Public Contracts

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

## Metropolitan Council

### Request for Proposals to Perform Audits of Eight Landfill Abatement Fund Grants

The Metropolitan Council solicits a proposal for entering into contract to perform an audit of eight Landfill Abatement Fund grants. Five copies of the proposal should be submitted to the Metropolitan Council, Mears Park Centre, 230 E. Fifth St., St. Paul, MN 55101, Attention: Ron Scherman, contract manager. The final deadline is 4 p.m. July 9, 1990.

The Council, by this RFP, does not promise to accept the lowest, or any other, proposal, and specifically reserves the right to reject any or all proposals, waive any formal requirements, reject any provision in any proposal, obtain new proposals, or proceed to do the work otherwise.

Economically disadvantaged businesses are encouraged to submit proposals. No proposer will be subjected to discrimination on the basis of race, color, creed, sex, age, affectional preference, religion, disability, public-assistance status, marital status, national origin or political affiliation.

Request a copy of the RFP from Christine Yankovec at 612/291-6493.

# Supreme Court Decisions, Opinions & Rules --- ---

## Decisions Filed 8 June 1990

C4-88-1931, C9-88-2296, C1-88-2244 **Minnesota Mining and Manufacturing Company, Plaintiff v. C4-88-1931 The Travelers Indemnity Company, Great American Insurance Company, as successor in interest to Anchor Casualty Company of St. Paul, Minnesota, Commercial Union Insurance Company, as successor in interest to Employers Liability Assurance Corporation, Insurance Company of North America, Inc., Northwestern National Insurance Company, Joslyn Corporation, Plaintiff v. C9-88-2296 Liberty Mutual Insurance Company, The State of Minnesota, through its Attorney General and its Pollution Control Agency, Intervenor-Plaintiff, Bituminous Casualty Corporation, Plaintiff v. C1-88-2244 Tonka Corporation, Travelers Insurance Company, North River Insurance Company, Industrial Indemnity Corporation and United States Fire Insurance Company, Great American Insurance Company, Zurich Insurance Company, Fireman's Fund Insurance Company, Mission National Insurance Company, Twin City Fire Insurance Company. United States District Court.**

Expenditures mandated by the Minnesota Pollution Control Agency pursuant to the Minnesota Environmental Response and Liability Act, *Minnesota Statutes* ch. 115B (1988), which are necessary to effectuate the cleanup of contamination which has already occurred to the state's water resources, are "damages because of \* \* \* property damage" within the meaning of the comprehensive general liability insurance policies issued by these defendants.

Certified questions answered in the affirmative. Keith, J.

Dissenting, Kelley, Coyne & Simonett, JJ.

## Orders

**CX-90-573 In Re the Petition for Disciplinary Action against Kim Jeffrey Overlid, an Attorney at Law of the State of Minnesota. Supreme Court.**

Probation. Kelley, J.

**C1-90-834 In Re the Petition for Disciplinary Action Against Paul M. Tatone, an Attorney at Law of the State of Minnesota. Supreme Court.**

Publicly reprimanded. Kelley, J.

## Announcements --- ---

**Metropolitan Council:** In its quarterly report, "Housing Vacancies and Turnovers in the Twin Cities, First Quarter 1990," apartments, duplexes and triplexes were found to be increasingly vacant. The study of housing vacancies and turnovers in the Twin Cities metro area for the first three months of 1990 showed an increase in the vacancy rate for multifamily dwellings, while vacancy rates for single-family dwellings decreased slightly. The report lists three factors that could account for the rising vacancy rates in multifamily units: fewer new renters, aged 18-24; an increase in apartment construction due to tax law changes and investment incentives in 1985; and the construction of more upscale units in some communities. A copy of the report—*Housing Vacancies and Turnovers in the Twin Cities Metropolitan Area, First Quarter 1990*—is available from the Council's Data Center at (612) 291-8140 for \$1.50.

**Energy Crops:** Growing trees as an "energy crop" may be worth considering for Minnesota farmers and other landowners, says the Department of Public Service, Energy Division, especially for those highly erodible land and a willingness to plan ahead. Called "short rotation intensive culture (SRIC)" or "agriforestry," the idea combines both agriculture and forestry practices. Tree "cuttings" are planted eight feet apart in eight rows and are cultivated similar to other row crops, but have a much longer rotation. The trees are usually harvested after seven to ten years for use as fuel or other wood products. Similarly, while SRIC has much in common with traditional forestry, there are fundamental differences: more intensive management, especially in the first two years, with a shorter rotation and different end uses. Economically, SRIC is most attractive to farmers enrolled in one of the cost-sharing programs. Farmers can earn \$550 to \$1200 per acre at harvest. This is based on studies of Minnesota Hybrid Poplar plantations that have a contract with the Conservation Reserve Program (CRP) and with average yields of three to six dry tons per acre per year. A 10-acre hybrid poplar plantation near Fairmont had a growth rate of 12 dry tons per acre in its fourth season. A guide is available to explain the basics of establishing an SRIC plantation. To get your free copy, call the Energy Information Center at (612) 296-5175 in the Twin Cities; or, from Greater Minnesota, call toll free 1-800-652-9747 and ask for "Energy."

# Minnesota's Bookstore

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## Publications, Services, Subscriptions

**Order Form on Back—For Information, Call 297-3000**

### NEW PUBLICATIONS:

**Minnesota Rules 1989.** An 11-volume set of rules from the approximately 75 agencies empowered to promulgate rules by the Administrative Procedure Act. Stock #18-200, \$160.00 + tax, or \$15 for individual volumes. **NOTE:** This is a subscription service for the set, entitling subscriber to updates as they are produced.

**Chemical Dependency Programs Directory 1989.** Features comprehensive listings for programs ranging from Prevention/Intervention Services to a wide range of Treatment Services. Each type of program includes an alphabetical listing of facilities and brief narrative description of programming provided. Stock No. 1-12, \$15.00 plus tax.

**Process Parenting—Breaking the Addictive Cycle.** A training manual that provides parent education and treatment techniques for professionals who work with recovering chemically dependent parents or dysfunctional families. Stock No. 5-4, \$15.00 plus tax.

**It's Never Okay: A Handbook for Professionals on Sexual Exploitation by Counselors and Therapists.** Therapeutic and prevention issues and employer responsibilities are discussed in this task force report, as well as recommended curriculum for training institutions for counselors and therapists. Stock No. 14-16, \$19.95

**Hazardous Waste Rules 1989.** Governs the storage, treatment, utilization, processing, transfer, and disposal of hazardous waste. Contains the complete requirements for application for permits for discharge of hazardous waste on construction and operation of a treatment facility. Stock No. 3-71, \$16.95 plus tax.

**Environmental Quality Board Rules 1989.** Essential for long-term planning. Details the scope, purpose and objectives of the rules. Explains the need for environmental impact statements and the review process. Includes a special section on large energy facilities and high voltage transmission lines. Stock No. 3-54, \$5.00 plus tax.

### OTHER PUBLICATIONS

**Our Minnesota.** More than 100 full-color photos by Les and Craig Blacklock portray Minnesota in her seasonal beauty, with text from the personal journal of Fran Blacklock's thirty years of traveling the state. Stock #9-23. \$13.95 plus tax.

**Historic Sites and Place Names of Minnesota's North Shore.** John Fritzen, long time employee of the Minnesota DNR draws upon his almost 40 years as a forester, mostly spent on Minnesota's colorful and legendary North Shore, to regale readers with tales of timbermen, pioneer settlers, miners, commercial fishermen and others. Black and white photos. Stock #9-11. \$3.50 plus tax.

**Landscaping for Wildlife.** Attract songbirds, deer, butterflies, hummingbirds, pheasants, and other wildlife to your property by using the tips in this 144-page, 4-color book. Stock #9-15, \$8.95 plus tax. See "Special Set Offer" below.

**Woodworking for Wildlife.** Carefully illustrated with a variety of game bird and mammal box designs, including maintenance requirements and important tips on placement of nests in proper habitat areas. 47 pages with diagrams. Stock #9-14, \$3.95 plus tax. See "Special Set Offer" below.

**"Special Set Offer."** Save 15% by purchasing the two books together on wildlife mentioned above. Stock #9-20, \$10.95 plus tax.

**Minnesota Manufacturer's Directory, 1990.** More than 7,000 entries listing name, address, phone, staff size, sales volume, market area, year of establishment, type of firm, CEO, sales or marketing and purchasing managers, and four manufactured products. Stock #40-2. \$78.50 + \$4.71 sales tax.

### SUBSCRIPTIONS:

**State Register.** Minnesota's official weekly publication for agency rules and notices, executive orders of the Governor, state contracts, Supreme Court Calendar, Supreme Court and Tax Court Decisions. Annual subscription: Monday edition only \$130; Monday and Thursday's State Contract Supplement \$195; 13-week trial (includes both Monday and Thursday editions) \$60.00.

**Workers Compensation Decisions.** Volume 40. Selected landmark decisions of the Worker's Compensation Court of Appeals. Annual subscription. \$105.00.

### SERVICES:

**Mailing Lists.** Lists of Minnesota licensed professionals and permit holders. Write or call (612) 297-2552 for a free mailing list catalog which contains available lists, selections, formats, pricing and ordering information.

**American Flag.** Perfect for home or office. 3' x 5' with embroidered stars. Heavy nylon bunting. Code No. 6-1. \$21.00, plus tax.

**1989 Lake Map Index.** Listing over 4,000 lake maps. Free.

**1989 Publication Catalog of Minnesota's Bookstore.** Lists publications available through Minnesota's Bookstore. Free.

**State Register Binder.** Durable 3½ inches, forest green binders imprinted with the *State Register* logo. \$6.50 plus 39¢ tax.

